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October 5, 2018

Via ECF

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street, Room 2220
New York, NY 10007

Dr. Muhammad Mirza et al. v. Does et al.
Civil Action No. 1:18-cv-06232-LAP

Dear Judge Preska:

I am counsel for Plaintiffs Dr. Muhammad Mirza (“Dr. Mirza”) and Allied Medical and Diagnostic Services, LLC (“Allied Medical”), which sought leave to conduct expedited discovery aimed at identifying the John Doe defendants (“Defendants”) so that they might be served the Amended Complaint. The time period to serve the Amended Complaint expires on October 7, 2018. Now, Plaintiffs seek an extension of time to serve defendants pursuant to Rule 4(m).

Plaintiffs brought this action on July 10, 2018 against Defendants for defamation and tortious interference with contracts. As alleged in the Complaint, Defendants created or caused to be created certain Defamatory Reviews for the purpose of publishing false statements about Plaintiffs which are, upon information and belief, still active online and viewed by thousands of visitors daily. All the Defamatory Reviews were posted on Yelp.com, however, and Yelp.com would have the information and/or documents in their possession, custody, or control which are necessary to positively identify the Defendants.

Plaintiffs have requested said information and/or documents from Yelp by way of a subpoena duces tecum. On or about September 10, 2018, Yelp replied through their senior corporate counsel with an objection letter. On September 26, 2018, our offices conferred with Yelp’s counsel by phone to resolve any issues with our requests. Based on that conversation, Plaintiffs believe that Yelp may produce such information and documents after additional submissions are provided by Plaintiffs’ counsel.

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Without leave to continue with the requested expedited discovery, Plaintiffs have no way to prevent Defendants from continuing their abusive, defamatory and harmful activity online, and no way to serve Defendants. Plaintiffs anticipate identifying Defendants, or third-parties who may possess or control identifying information, based on Yelp's response. As such response is not likely to arrive before the expiration of the time to serve the Defendants, Plaintiffs posit that good cause exists to extend the time to serve Defendants and respectfully requests same. We therefore request that the Court allow for an additional 90 days – *i.e.*, until Monday, January 9, 2019 – to identify and serve the Defendants. Plaintiffs have made no previous requests of this nature.

Respectfully submitted,

/s/ David D. Lin

David D. Lin